

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Anthony James Moore,	)	
	)	
Plaintiff,	)	
	)	<b>ORDER (AMENDED) RE APPLICATION</b>
vs.	)	<b>TO PROCEED IN FORMA PAUPERIS</b>
	)	
Timothy Schuetzle,	)	Case No. 1:06-cv-079
	)	
Defendant.	)	

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The court granted the plaintiff's request to proceed in forma pauperis in Case No. 1:06-cv-079 on November 11, 2006. (Docket No. 6). The order granting the plaintiff's request contained a scrivener's error, however. It stated that the statutory filing fee is \$250.00. It should have stated that the statutory filing fee is \$350.00. Accordingly, the court's order granting the plaintiff's request (Docket No. 6) shall be amended as follows to reflect the correct filing fee.

Although he is a prisoner, the plaintiff must pay the statutory filing fee of \$350.00 for this action pursuant to 28 U.S.C. § 1915(b)(1). Based upon the information contained in the Certificate of Inmate Account and Assets submitted by the plaintiff, dated September 16, 2006, **a partial filing fee of \$0** is hereby assessed for this action pursuant to 28 U.S.C. § 1915(b)(1). Thereafter, the plaintiff will be obligated to make monthly payments in the amount as determined by 28 U.S.C. § 1915(b)(2) until said filing fee is paid in full. The full fee will be collected even if the court dismisses the case because it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks money damages against a defendant who is immune from such relief. See 28 U.S.C. § 1915(e)(2); 28 U.S.C. § 1915(A).

Accordingly, **IT IS HEREBY ORDERED** that:

1. The plaintiff's request to proceed in this matter *in forma pauperis* is **GRANTED**.
2. The plaintiff is assessed an initial partial filing fee of \$0, payable to the Clerk of this Court and due on or before December 2, 2006. See 28 U.S.C. § 1915(b).
3. The remaining filing fee owed shall be paid to the Clerk of this Court from the plaintiff's inmate spending account or release aid account in accordance with 28 U.S.C. § 1915(b)(2). The institution where the plaintiff is incarcerated is required to post payments from plaintiff's inmate spending account or release aid account in an amount of 20% of each future month's income placed in the plaintiff's accounts. Such payment shall be made each time the amount in the inmate spending account or release aid account exceeds \$10.00 and continue until the statutory fee of \$350.00 is paid in full.
4. A notice of this obligation shall be sent to plaintiff, the appropriate prison official, and the Attorney General.

Dated this 21<sup>st</sup> day of March, 2007.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge